

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SNYDER COMPUTER SYSTEMS,
INC.,**

Plaintiff,

v.

**Case No. 2:10-CV-0161
JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE MARK R. ABEL**

RAY LAHOOD et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of the Federal Agencies' Motion to Dismiss the Second Amended Complaint as Moot (Doc. 68). For the reasons set forth below, the Court **GRANTS** the federal agencies' motion (Doc. 68) and **DISMISSES** the Second Amended Complaint (Doc. 66). In accordance, Plaintiff's Motion for Summary Judgment (Doc. 72) is **DENIED as MOOT**. This case is hereby **DISMISSED as MOOT**.

On August 11, 2011, Plaintiff filed its Second Amended Complaint (Doc. 66). The first seven counts of the Complaint were dismissed by this Court on Defendants' motion, which was opposed by the Plaintiff. The parties agreed that the filing of the forfeiture action in this Court (2:11-CV-130) mooted the eighth claim as it pertained to the goods located in Jefferson County, Ohio (*See* Amended Status Conference Order Doc. 71). Plaintiff contended that the remainder of the eighth claim, an equitable action to compel the initiation of a forfeiture action of the goods seized in Seattle, Washington, was still viable.

The Defendants subsequently filed a motion to dismiss (Doc. 68) all claims pleaded in the Second Amended Complaint, including that related to the Seattle seizures, arguing that (1) this Court does not have *in rem* jurisdiction over the goods located in Seattle; and (2) this Court does not have jurisdiction over anyone who has the legal right to initiate forfeiture of the goods seized in Seattle. Plaintiff responded, asserting that as an *in personam* action, the Second Amended Complaint seeks to force the appropriate federal agencies to either (1) release Plaintiff's property; or (2) bring a prompt forfeiture action. On November 7, 2011, the United States Attorney for the Western District of Washington filed a Verified Complaint for Forfeiture *In Rem* (No. C11-5913), seeking the forfeiture of the goods which are the subject of the eighth claim in this matter. Plaintiff has now received what it sought: a forfeiture action filed in the jurisdiction where the property is, and has been, located since its seizure.

Accordingly, the Federal Agencies' Motion to Dismiss the Second Amended Complaint as Moot (Doc. 68) is **GRANTED**. Plaintiff's Second Amended Complaint (Doc. 66) is **DISMISSED** and Plaintiff's Motion for Summary Judgment (Doc. 72) is **DENIED as MOOT**. This case is hereby **DISMISSED as MOOT**.

IT IS SO ORDERED.

11-9-2011
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE